

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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|-------------------------|---|--------------------------------|
| ROBERT LEE ALLEN, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CIVIL ACTION NO. 2:08cv134-WKW |
| |) | [WO] |
| LOWNDES DEPUTY BIRTLEY, |) | |
| |) | |
| Defendant. |) | |

ORDER

The Magistrate Judge filed a Recommendation (Doc. #6) in this case to which the plaintiff filed a timely Objection (Doc. # 7). The plaintiff asserts that he attempted to amend his earlier action to name Birtley as a defendant. His motion to amend was denied, however, because it was determined that joinder of additional defendants was unwarranted where the constitutional claim was meritless. This action is the plaintiff's attempt to do what the court had previously disallowed.

Upon an independent and *de novo* review of the case and upon consideration of the Report and Recommendation of the Magistrate Judge, it is ORDERED that:

1. The Objection (Doc. # 7) is OVERRULED;
2. The Report and Recommendation (Doc. # 6) of the Magistrate Judge is ADOPTED;
3. This case is DISMISSED prior to service of process in accordance with the provisions of 28 U.S.C. § 1915(e)(2)(B)(i).

An appropriate judgment will be entered.

DONE this 21st day of March, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE